

REMARKS

Claims 1-3 are pending in this application. Claims 1 and 3 are independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this Amendment, Applicant has amended claims 1 and 3 to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding official action, the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over *Hamamura et al.* (US Patent Application Publication No. 2003/0133021) in view of *Komiya et al.* (USP 6,097,430). Applicant respectfully traverses this rejection.

Claim Rejections – 35 U.S.C. § 103

Claim 1 recites, *inter alia*, a digital camera comprising a focus detecting circuit for detecting a focusing position of the focus lens on the basis of integration values of the image signal outputted from the imaging device and distance measurement means for measuring the distance to the subject on the basis of the focusing position of the focus lines detected by the focus detecting circuit.

In support of the Examiner's rejection of claim 1, the Examiner admits that *Hamamura et al.* fails to teach or suggest the distance measurement means. The Examiner relies on the teachings of *Komiya et al.* to cure the deficiencies of *Hamamura et al.* asserting *Komiya et al.* discloses a range calculating section 54 for finding the distance of a subject on the basis of the subject image signals obtained by the imaging citing to column 13, lines 48-60. Applicant respectfully disagrees with the Examiner's characterization of this reference.

The disclosure of *Komiya et al.* is directed to an image processing apparatus that calculates a distance to the subject based on the principle of stereoscopic vision generally known by a stereo measuring section 57. With the use of stereo images written in frame memories A55 and B56 (column 13, lines 55-59). However, there is no teaching or suggestion in *Komiya et al.* that is directed to a distance measurement means for measuring the distance to the subject on the basis of the focusing position of the focused lens detected by the focus detecting circuit. As *Komiya et al.* fails to cure the deficiencies of the teachings of *Hamamura et al.*, assuming these references are combinable, which Applicant does not admit, Applicant respectfully submits that claim 1, as amended, is not obvious over the references as cited by the Examiner. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claim 2 is allowable for the reasons set forth above with regard to claim 1, at least based upon its dependency on claim 1. It is further respectfully submitted that claim 3 contains elements similar to those discussed above with regard to claim 1 and thus claim 3, together with claims dependent thereon, are not obvious for the reasons set forth above with regard to claim 1.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By



Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant